

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION

MDL No. 2419
Master Dkt.: 1:13-md-02419-FDS

THIS DOCUMENT RELATES TO:

All Actions

**STIPULATION AND JOINT MOTION TO
EXTEND TOLLING AGREEMENT AND DEADLINE TO RESPOND TO
MOTION TO PARTIALLY LIFT DISCOVERY STAY**

Paul D. Moore, the duly appointed Chapter 11 Trustee of defendant New England Compounding Pharmacy, Inc. d/b/a New England Compounding Center (“NECC”); Barry Cadden; Lisa Cadden; Doug Conigliaro; Carla Conigliaro; Gregory Conigliaro; Glenn Chin; Alaunus Pharmaceutical, LLC; Ameridose, LLC; GDC Properties Management, LLC; Medical Sales Management, Inc.; and Medical Sales Management SW, Inc. (“Affiliated Defendants”), through their undersigned counsel, and the Plaintiffs’ Steering Committee (“PSC”), through their undersigned counsel, hereby stipulate and move this Honorable Court to extend deadlines as follows:

1. The Affiliated Defendants hereby stipulate that as to all claims which are currently in MDL #2419, or which will be filed in, or transferred to, MDL #2419, and which are also claims that are subject to a one (1) year Statute of Limitation, or one (1) year Statute of Repose, or, one (1) year laches or estoppel defense, or any other one (1) year State law health care provider suit requirement (the “Tolled Claims”), the time period between November 30, 2013 through January 10, 2014 (the “Tolling Period”) shall not be used in the calculation of any time-related defense(s) as set

forth above. This extension of the Tolling Period only applies to the above defined Tolerated Claims. (This Court has already entered an order wherein the Affiliated Defendants agreed to waive pre-suit notice requirements, and the Affiliated Defendants previously stipulated to tolling under the same terms from September 5, 2013 through November 30, 2013.¹)

2. The deadline for the Affiliated Defendants to respond to the PSC's Motion to Partially Lift Discovery Stay [Dkt. No. 534] is extended to January 8, 2014 (two days before the January status conference). (This Court previously entered an order extending the response deadline to December 4, 2013.²)

A Proposed Order is attached hereto.

Dated: November 27, 2013

Respectfully submitted,

/s/ Kristen Johnson Parker

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¹ See MDL Order #6 [Dkt. No. 209]; Stipulation and [Proposed] MDL Order #6A [Dkt. No. 431].

² See Order on Joint Emergency Motion to Extend the Deadline for Filing of a Master Complaint as to Certain Defendants and Entities and Continue Motion Affiliate Discovery [Dkt. No. 542].

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CERTIFICATE OF SERVICE

I, Thomas M. Sobol, hereby certify that I caused a copy of the foregoing *Stipulation and Joint Motion to Extend Deadlines of Tolling Agreement and Response to Motion to Partially Lift Discovery Stay* to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Date: November 27, 2013

/s/ Kristen Johnson Parker
Kristen Johnson Parker